

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LEONARD S. EMBODY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:10-cv-126
	)	JUDGE HAYNES
STEVE WARD, individually,	)	JURY DEMAND
	)	
Defendant.	)	

**MOTION IN LIMINE NO. 1**

Comes the Plaintiff and would request that this Honorable Court to exclude in limine any evidence regarding facts that Mr. Embody had been stopped on other occasions carrying a handgun.

This evidence should be excluded because it is not relevant or prohibitive of whether the seizure of Mr. Embody was unconstitutional as Fed. R. Evi. Rule 401 defines relevant evidence as that evidence which tends to prove the existence of a fact. To allow evidence of other times Mr. Embody was stopped by Police for legally carrying a handgun would not be probative of the issues at trial and should be excluded under Rule 403 as prejudicial.

Respectfully submitted,

/s/ Phillip L. Davidson  
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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was delivered electronically to

Robert E. Cooper, Jr.  
Attorney General and Reporter

Mary M. Bers  
Senior Counsel

Dawn M. Jordan  
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on this date.

/s/ Phillip L. Davidson  
Phillip L. Davidson